

TITLE 5: HIGHWAYS, TRAFFIC
DIVISION 1: HIGHWAY PERMIT
Chapter 2: EXCAVATION PERMITS
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51.021 Purpose of Chapter.

The provisions of this chapter apply to the making of applications for and the granting and control of permits for the making of excavations, openings, fills or obstructions in any highway.

Adopted Ordinance #815 (1957);

51.022 Application.

An applicant for an excavation permit shall complete and file with the Commissioner an application in duplicate conforming with the provisions of Section 51.018 of this division which shall contain, in addition thereto, the following:

- (a) The location, dimensions, purpose, extent and nature of the work to be performed;
- (b) The proposed date and time of day when said work will be commenced.
- (c) The proposed date and time of day when said work will be completed.

(d) Such other information as the Commissioner may require; and shall file with the application a plat in quadruplicate clearly showing the highways affected and the exact locations and dimensions of the proposed excavations, as well as any other details that the Commissioner prescribes. Provided, however, that when excavations are made for service connections or for the location of trouble in conduits or pipes, or for making repairs thereto, the Commissioner may waive the filing of a plat.

Adopted Ordinance #815 (1957); Amended Ordinance #922 (1960);

51.023 Proof of Right to Use Highway.

Each applicant for a permit shall file with the Commissioner, if required by the Commissioner, proof of the applicant's right to use the highways for the purposes set forth in the application.

Adopted Ordinance #815 (1957); Amended Ordinance #922 (1960);

51.024 Special Deposit for Surface Repairs.

Each applicant for a permit, in addition to the payment of the issuance fee, shall deposit with the Commissioner a sum of money in no event less than ten dollars (\$10), which is twice the estimated cost to the nearest five dollars (\$5) for repairing the surface of the highway which may be damaged or destroyed by the proposed excavation or obstruction. Provided, however, that where a faithful performance bond is posted which guarantees to the County the repair of the highway, including construction financed in whole or in part by special assessments, no deposits for repairs shall be required of applicant.

Adopted Ordinance #815 (1957); Amended Ordinance #922 (1960);

51.025 Specification in Permit for Warning Signs.

In any permit issued by him, the Commissioner may specify what lights, barriers, barricades, warning signs or other measures designed to protect the traveling public must be erected by the permittee, which measures shall be in accordance with State Highway Regulations.

Adopted Ordinance #815 (1957); Amended Ordinance #922 (1960);

51.026 Precautionary Warning Measures.

If the permit does not specify the precautionary measures to be taken by the permittee, such as the erection of barriers, barricades or warning signs, the permittee shall place and maintain warning lights at each end of such excavation or obstruction and at distances of not more than fifty (50) feet along such excavation or obstruction from sunset of each day to sunrise of the next day, until such excavation is entirely refilled and resurfaced or such obstruction is removed and every said person shall place and maintain barriers, or barricades, at each end of any said excavation or obstruction at all times until such excavation is entirely refilled or such obstruction is removed.

Barriers, barricades and warning devices shall conform to the same configuration and standards provided for in the current Department of Public Works publication entitled Manual of Warning Signs, Lights, and Devices for Use its Performance of Work *Upon* Highways, as compiled in accordance with Section 465.7 of the Vehicle Code of the State of California.

Adopted Ordinance #815 (1957); Amended Ordinance #922 (1960);

51.027 Refilling Excavation or Removal of Obstruction.

Immediately upon completion of the work necessitating the excavation or obstruction permitted by any permit issued pursuant to this chapter, the permittee shall promptly and in a workmanlike manner refill the excavation or remove time obstruction in a manner which the Commissioner determines is most effective to accomplish thorough consolidation and enable the highway to be restored to a condition equivalent to that in which it was prior to the excavation or obstruction.

After refilling has been completed, the top surface of excavations made in improved streets shall be covered with not less than one (1) inch nor more than two (2) inches of pre-mixed bituminous material satisfactory to the Commissioner and shall conform closely enough to the level of the adjoining surface and shall be compacted so that it is hard enough and smooth enough to be safe for pedestrian travel over it as well as for vehicular traffic to pass safely over it at a legal rate of speed. The permittee shall maintain the surface of the refill safe for pedestrian and vehicular traffic until the excavation has been resurfaced in accordance with Section 51.028.

(a) FAILURE TO REFILL EXCAVATION. If any permittee fails or refuses to refill any excavation which he has made, or remove any obstruction which he has placed in any highway, the Commissioner may so do and charge the cost thereof to the permittee.

(b) NOTICE OF REFILLING EXCAVATION. Upon completion of the refilling of the excavation for which a permit has been issued, the permittee shall notify the Commissioner in writing on a form prescribed by the Commissioner.

Adopted Ordinance #815 (1957); Amended Ordinance #922 (1960);

51.028 Resurfacing of Highway.

Upon completion of the refilling of the excavation, the Commissioner, at his option, may require the permittee to resurface that portion of the highway surface damaged by the permittee's excavation or obstruction, or the Commissioner may elect to do such resurfacing himself. Where the pavement or surface has been removed, the permittee shall replace it to a thickness of one (1) inch greater than that of the surrounding pavement or surface, and, in no event, to a thickness less than two (2) inches.

Where a treated or modified subgrade or surface has been removed or destroyed, the permittee shall replace it to a thickness of not less than that of the surrounding or adjacent subgrade or surface, unless the Road Commissioner orders that the repair of such treated or modified subgrade or surface shall be made by an oil and rock mixture, in which case the thickness shall not be less than one-half (1/2) the thickness of the treated or modified surface or subgrade.

(a) FAILURE TO RESURFACE HIGHWAY. If, after the refilling of an excavation the permittee fails or refuses to resurface that portion of the surface of the highway damaged by him, or if the Commissioner elects to do such resurfacing, the Commissioner may do such resurfacing. The cost of such resurfacing shall be charged against the permittee except in those instances where the permittee's excavation is within an area of pavement to be immediately reconstructed by the County, and the resurfacing of the excavation is an integral part of the general County improvement. The cost shall be computed as provided in Section 51.024.

Adopted Ordinance #815 (1957); Amended Ordinance #922 (1960);

51.029 Deductions From Deposits and Refund of Excess Deposit.

The Commissioner shall deduct from any deposit made or maintained by the permittee:

- (a) The permit issuance fee if that has not otherwise been paid;
- (b) The cost to the County for refilling any excavation or removing any obstruction;
- (c) The cost to the County for resurfacing the highway;

(d) The cost of any inspection by the Commissioner.

After making the proper deductions, the Commissioner shall refund any remaining amount to the applicant in the same manner as provided by law for the repayment of trust moneys. Provided, however, that if a person makes and maintains with the Commissioner either a general deposit or an undertaking as provided by this division, the deductions provided for herein need not be made. In lieu of such deductions, the Commissioner may bill such persons for the amount owed by him to the County, under the provisions of this division. If such amount is not paid within fifteen (15) days of the transmission of such bill, the Commissioner may deduct such amount from the general deposit, and the provisions of Section 51.0111, subsection (i) shall apply, or may recover upon such undertaking.

Adopted Ordinance #815 (1957); Amended Ordinance #922 (1960);

51.0210 Additional Highway Repairs and Placing of a Bond for that Purpose.

The highway surface excavated or damaged shall be replaced by the permittee to as good or better condition as the same was in before such work was begun and shall be maintained for the life of the utility encroaching in the public road after the completion of the work performed under the permit, during which life time period the permittee shall repair and make good any injury or damage to any portion of the highway which occurs as a result of work done under the permit, including any and all injury and damage to the highway which would not have occurred had such work under said permit not been done.

The permittee shall maintain a bond with the Commissioner in an amount prescribed by the Commissioner sufficient to comply with the repairs required in this section, which shall be forfeited and the proceeds used by the Commissioner to perform the necessary repair work prescribed by this section in the event the permittee fails to make said repairs.

Adopted Ordinance #815 (1957); Amended Ordinance #922 (1960); Amended Ordinance #2377 (1979);

51.0211 Necessity as Permissive Delay in Obtaining Permit.

Nothing in this chapter prohibits any person from maintaining by virtue of any law, ordinance, or permit, any pipe or conduit in any highway, or from making such excavation as may be necessary for the preservation of life or property, if the person making such excavation obtains a permit therefor within one (1) day after the offices of the Commissioner are first opened subsequent to the making of such excavation.

Adopted Ordinance #815 (1957); Amended Ordinance #922 (1960);

51.0212 Certificate of Acceptance.

If the Commissioner, by survey or by inspection or by both, ascertains that the work contemplated by this chapter has been completed according to the requirements of the permit issued therefor, and of all of the provisions of this division, he shall issue, if requested so to do by the permittee, a certificate of acceptance which shall contain a statement of the location, nature, and extent of the work performed under the permit.

Adopted Ordinance #815 (1957); Amended Ordinance #922 (1960);

51.0213 Removal of Material and Debris.

A permittee, upon completion of any work for which a permit under this chapter has been issued, shall remove all material and debris:

(a) Where new work is covered with earth, in accordance with the terms of the specifications attached to the permit;

(b) In all other cases within three (3) days.

Adopted Ordinance #815 (1957); Amended Ordinance #922 (1960);